

# UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KEITH DUANE BERRY,

Petitioner,

v.

DEPARTMENT OF CORRECTIONS,

Respondent.

## JUDGMENT IN A CIVIL CASE

CASE NUMBER: C11-1852 MJP

— **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

XX **Decision by Court.** This action came to consideration before the Court. The issues have been considered and a decision has been rendered.

### THE COURT HAS ORDERED THAT

The Report and Recommendation in this matter is APPROVED and ADOPTED, and Petitioner's habeas corpus petition is DISMISSED without prejudice. Reasonable jurists could not disagree with the resolution of this matter, and a certificate of appealability will not issue on this ruling.

Dated: December 22, 2011.

William M. McCool

Clerk of Court

s/Mary Duett

Deputy Clerk